

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

ROBERT WAYNE HORNBERGER
TX-1336248-L

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DOCKETED COMPLAINT NO.
08-199

AGREED FINAL ORDER

On this the 6th day of February, 2009, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the license of Robert Wayne Hornberger (Respondent).

In order to conclude this matter, Robert Wayne Hornberger neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

FINDINGS OF FACT

1. Respondent Robert Wayne Hornberger is a Texas state licensed real estate appraiser, holds certification number TX-1336248-L, and has been licensed by the Board during all times material to the above-noted complaint case.
2. On or about May, 2008, Respondent conducted a review appraisal of an appraisal report completed for real property located at: 1408 NE Bluff Street, Lee's Summit, Missouri 64086 ("the property").
3. On or about June 3rd, 2008, the Complainant, Janice M. Jones, filed a complaint with the Board. The complaint alleged that Respondent's review appraisal report for the property contained errors and omissions and did not conform with the Uniform Standards of Professional Appraisal Practice ("USPAP").
4. On or about June 6th, 2008 the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. CHPT. 2001, and TEX. OCC. CODE CHPT. 1103, notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaint. Respondent's response to the complaint was received.
5. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the review of the appraisal report for the property.

- a) Respondent failed to comply with the provisions of the Competency Rule;
- b) Respondent failed to identify the intended use of the appraiser's opinions and conclusions and identify the purpose of the review assignment;
- c) Respondent failed to identify the real property interest appraised in the work under review;
- d) Respondent failed to identify the date of the work under review and the effective date of the opinion of the work under review and the appraiser(s) who completed the work under review;
- e) Respondent failed to report the extent of the process of collecting, confirming and reporting data adequately;
- f) Respondent failed to develop a value opinion in conformance with USPAP Standards 1 and 3;
- g) Respondent's review report contains substantial errors of commission or omission as detailed above which resulted in a misleading review appraisal report.

CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq.
2. Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Competency Rule; USPAP Standards Rules: 3-1(a); 3-2(a); 3-1(b)(iii); 3-2(b); 3-1(b)(iv); 3-1(b)(v); 3-1(c); 3-2(c); 1 & 3; 3-2(e)
3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by omitting material facts.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- a. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- b. Attend and complete a minimum, 15 classroom-hour course in Residential Case Studies;
- c. Attend and complete a minimum, 7 classroom-hour course in Review Appraisal Assignments;
- d. Pay to the Board an administrative penalty of \$500; and,

- e. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

ALL CLASSES required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWELVE MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for licensure.

Payment of the **ADMINISTRATIVE PENALTY** must be by certified funds, and must be tendered within **TWENTY DAYS** of the date of this Agreed Final Order.

Failure to timely comply with any of the terms of this Final Agreed Order shall result in initiation of a contested case proceeding against Respondent and after opportunity for a hearing, possible imposition of disciplinary sanctions against Respondent as provided for by TEX. OCC. CODE § 1103.518.

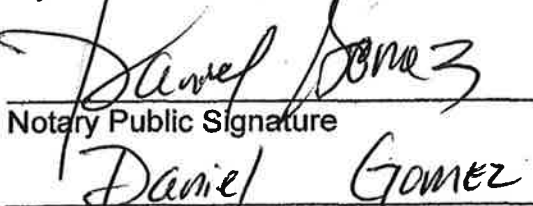
Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

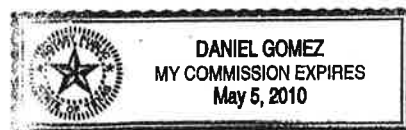
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 6th day of February, 2009.


ROBERT WAYNE HORNBERGER

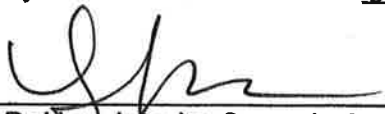
SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 6th day of February, 2009, by ROBERT WAYNE HORNBERGER, to certify which, witness my hand and official seal.


Notary Public Signature
Daniel Gomez



Notary Public's Printed Name

Signed by the Commissioner this 20th day of February, 2009.



Loretta DeHay, Interim Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 20th day of February, 2009.



Clinton P. Sayers, Chairperson
Texas Appraiser Licensing and Certification Board